



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

August 30, 2007

Reply to
Attn Of: ECL113

Mayor Darlene Kordonowy
City of Bainbridge Island
Office of the Mayor
280 Madison Avenue North
Bainbridge Island, WA 98110-1812

Mr. Jim Pendowski
Department of Ecology
Toxics Cleanup Program
P.O. Box 47600
Olympia, WA 98504-7600

RE: Wyckoff/Eagle Harbor Superfund Site - Soil/Groundwater Operable Units
August 10, 2007 Meeting

Dear Mayor Kordonowy and Mr. Pendowski:

Thank you for hosting the August 10, 2007 meeting to discuss future Superfund actions at the Wyckoff/Eagle Harbor Superfund site. We appreciated the opportunity to exchange perspectives on the remediation of the wood-treating contamination within the Former Processing Area (FPA - Soil and Groundwater Operable Units). This letter summarizes EPA's key points from the meeting and suggests a timeframe for our continued discussions on this matter.

As discussed in the meeting, EPA is prepared to proceed with implementation of a containment remedy for the FPA. EPA believes the containment remedy is consistent with Superfund laws and regulations, is protective of human health and the environment, and complies with applicable federal and state environmental laws (or ARARS). The summary of key EPA points, distributed at the meeting and attached here, provides EPA's rationale for supporting the containment remedy.

EPA selected containment as the contingency remedy in the 2000 Record of Decision (ROD). The containment remedy will include groundwater extraction and treatment, removal of product from the extraction wells, maintenance of an upwind groundwater monitoring system, and enhancements to the sheetpile wall. Final cleanup levels will be established. Additional information is currently available from the

Wyckoff/Eagle Harbor site further confirms that containment provides the best tradeoffs for the FPA when evaluated against protectiveness, compliance with ARARs, implementability, and cost.

Site-specific data reinforces our position that containment is protective and can be effectively monitored to confirm continuing protectiveness in the future. The contamination that remains in the FPA is tightly bound to soil and sediments, and is not a "pool" of material as some people have described. This contamination is unlikely to move into the lower aquifer at levels of concern, and if it does, it is unlikely to move through the sediments adjacent to the site and cause harm to the marine environment. This potential contaminant pathway will be closely monitored and EPA will continue to evaluate the protectiveness as part of our five-year review process and will take further action if the remedy is no longer protective, as required by law.

The *Conceptual Framing Document: Wyckoff Superfund Site*, dated July 27, 2007, which we received from the City of Bainbridge, outlines the position that the State of Washington, City of Bainbridge Island, Bainbridge Island Metropolitan Park District, and Association of Bainbridge Communities (ABC) do not support this decision and believe that contaminant source removal should be pursued. The Suquamish Tribe also expressed a strong preference for source removal and for continued EPA involvement.

In the meeting, EPA agreed to continue the discussions of the various cleanup options prior to proceeding with the remedy. Although the technical analysis demonstrates that the containment remedy proposed will address the human health and environmental risks at the site, we understand your desire to pursue contaminant removal. You must also understand why EPA cannot endorse expending Superfund money on source removal when we have concluded that containment is protective using the same analytical approach that is used at Superfund sites across the country.

Thermal treatment (while effective in removing contaminant mass from the soil) will not achieve significant, tangible risk reduction to human health or the environment beyond the benefits of the containment remedy. Further thermal treatment will not achieve ROD cleanup objectives for soil, ground water, or sediment. As we highlighted at the meeting, there are potential environmental impacts from thermal treatment operations that must be considered in the evaluation of options for the FPA; for instance, the need for significant energy production to support the full-scale thermal technology would release significant greenhouse gases for the duration of the project. Thermal treatment will not result in a "walk-away" remedy as originally envisioned when it was selected as the remedy in the 2000 ROD. Containment of residual contamination will be required even if mass removal technologies were implemented.

We understand that the City and State may wish to pursue other sources of cleanup funds for the site. If this is the case, EPA will be happy to coordinate the containment work conducted under Superfund with the source removal work conducted with other funds that may be secured.

From EPA's perspective, the need to reach resolution on the site is largely driven by the requirement for a State Superfund Contract (SSC) between EPA and the State of Washington. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), EPA is required to have an SSC in which the State agrees to match 10% of federal expenditures and assume operations and maintenance responsibilities of the remedy. In the absence of an SSC, EPA is prohibited from using Superfund funds on a remedial action. The current SSC expires on June 30, 2008. Substantive agreement between the State and EPA should be reached by April 2008 in order to finalize the SSC by the June 30, 2008 deadline.

This timeframe allows approximately 8 additional months for discussion and issue resolution. EPA is committed to work closely with the parties to discuss outstanding technical, regulatory, and policy issues during this time. Mary Jane Nearman of my staff will be the primary contact for technical and regulatory issues. She can be reached at (206) 553-6642 or via e-mail at nearman.maryjane@epa.gov. I can be reached at (206) 553-6523 or via e-mail at cohen.lori@epa.gov. We look forward to working with you as we move forward on this critical project.

Sincerely,



Lori Cohen, Associate Director
Office of Environmental Cleanup

cc: Jim Woolford, EPA-OSRTI
Tom Eaton, EPA WOO
Leonard Forsman, Suquamish Tribe
Libby Hudson, COBI
Frank Stowell, Associated Bainbridge Communities
Perry Barrett, Bainbridge Island Parks
Legislator Christine Rolfes
Congressman Jay Inslee
Senator Maria Cantwell
Senator Patty Murray
Senator Phil Rockefeller